

permittee shall be entitled to reimbursement for connections from the proceeds of the pro-rata charges established herein. Payment shall be from the pro-rata fee account. The city shall make reimbursements for main extensions semi-annually on May 1 and November 1 of each calendar year. Following expiration of the 15 year period, the city shall cease to collect pro-rata charges for the off-site main.

(Ord. No. 96-1248, § 1, 11-26-96)

Sec. 47-171. Violations.

Any person who shall lay or connect into main without a utility construction permit or contract from the city shall be guilty of a misdemeanor, which shall be punishable by a fine not to exceed \$500.00. Each day that the connection is suffered or allowed to exist shall constitute a separate offense. In addition, the department shall disconnect any such unpermitted connection from the city main or otherwise terminate utility services. (Ord. No. 96-1248, § 1, 11-26-96)

Secs. 47-172—47-185. Reserved.

ARTICLE V. DISPOSAL OF INDUSTRIAL WASTES THROUGH CITY SEWER SYSTEM

Sec. 47-186. Definitions.

For the purpose of this article, the following words and terms shall have the following meanings unless the context indicates otherwise:

Average quality. The arithmetic average of all the "daily determinations of concentration," as that term is defined herein, made during a calendar month.

BOD (biochemical oxygen demand). The quantity of oxygen consumed from the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius, reported in mg/l, as described in 40 CFR part 136.

Categorical pretreatment standards. See "pretreatment standards."

CFR. The Code of Federal Regulations. True copies of 40 CFR part 403 and 40 CFR part 136 are on file in the office of the city secretary.

COD (chemical oxygen demand). The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in water or wastewater, expressed in mg/l, as described in 40 CFR part 136.

Control authority. This term has the meaning established in 40 CFR 403.12.

Daily composite sample. A sample of effluent collected in several portions during a normal operating day.

Daily composite sample quality. The concentration of some parameter tested in a "daily composite sample," as that term is defined herein.

Daily determination of concentration. For composite samples, "daily determination of concentration" shall be the same as "daily composite sample quality," as the term is defined herein. For grab samples, the daily determination of concentration shall be the arithmetic average of all "grab sample qualities," as that term is defined herein, determined for any twenty-four-hour period.

Domestic waste. Atypical, residential-type waste which requires no pretreatment under the provisions of this article and does not contain industrial waste.

EPA. The Environmental Protection Agency.

Establishment, plant. Any establishment or plant producing industrial waste that is discharged into the sewer system.

Grab sample. An individual sample of effluent collected in less than 15 minutes.

Grab sample quality. The concentration of some parameter tested in a "grab sample," as that term is defined herein.

Industrial user. Any person that discharges industrial waste into the sanitary sewer system.

Industrial waste. Any waterborne solid, liquid or gaseous waste, resulting from any production, industrial, manufacturing or food processing operation or from the development, recovery or

processing of any natural resource including waste that is required to be pretreated by this article or plumbing code.

Industrial waste permit or permit. Any permit issued pursuant to this article.

Interference. This term has the meaning established in 40 CFR 403.3(i).

Milligrams per liter (mg/l). The same as parts per million (ppm). The milligram per liter value multiplied by the factor 8.34 gives the ratio in pounds per million gallons of water.

New source. This term has the meaning established in 40 CFR 403.3(k).

NPDES permit. A permit issued to the POTW pursuant to section 402 of the Clean Water Act.

Pass through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTWs NPDES or state discharge permit.

Permittee, permit holder. Any person who owns, operates, possesses or controls an establishment or plant being operated under a valid industrial waste permit.

pH determination. Determination of pH made according to 40 CFR part 136.

pH value. The logarithm of the reciprocal of the hydrogen ion concentration in grams per liter; *i.e.*:

$$\text{pH} = \text{Log}_{10} \frac{1}{[\text{H}^+]}$$

Plant, establishment. See "establishment, plant."

Pretreatment requirements. Any substantive or procedural pretreatment requirement promulgated by the EPA, other than a pretreatment standard.

Pretreatment standards. Any regulation applicable to industrial users containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Clean Water Act.

Publicly owned treatment works or POTW. All city wastewater treatment facilities, wastewater lift stations, and all wastewater collection and/or conveyance systems. The term is synonymous with "sanitary sewer system" below.

Sample tap. A physical connection on an industrial user's discharge to the city's sewer for the purpose of obtaining a sample.

Sample well. A physical connection on an industrial user's discharge sewer that is constructed to allow access for sampling and inspection.

Sanitary sewer system, sewers, sewage works, sewer system. All city facilities for collecting, conveying, pumping, treating and disposing of sanitary sewage and industrial wastes. For the purposes of this article, however, waterways shall not be included in this definition.

Significant industrial user.

- (1) All industrial users subject to EPA categorical pretreatment standards.
- (2) Any other industrial user that discharges an average of 25,000 gallons or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) per day or contributes a process wastestream equal to or greater than five percent of the dry weather flow or organic capacity of the city wastewater treatment plant into which it discharges.
- (3) Industrial users that are designated by the control authority due to the potential to adversely affect the POTWs operation or cause a violation of any pretreatment standard or requirement.

Suspended solids (SS). Solids measured in mg/l that either float on the surface of or are in suspension in water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device, as defined in 40 CFR part 136.

User charges. Charges established under article III of this chapter for discharging wastes into the sanitary sewer system.
(Code 1968, § 49-145; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 7, 3-15-77; Ord. No. 83-1139,

§ 1, 7-26-83; Ord. No. 90-635, § 164, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92; Ord. No. 93-514, § 123, 5-5-93)

Sec. 47-187. Permit required; compliance with director's requests.

(a) It shall be unlawful for any person included in the following classes of industrial users to be connected to the sewer system without holding a current and valid industrial waste permit:

- (1) Industrial users, including new sources, subject to categorical pretreatment standards established by the EPA.
- (2) Industrial users that discharge 25,000 gallons or more of industrial waste (excluding sanitary, noncontact cooling and boiler blowdown wastewater) per day into the sanitary sewer system.
- (3) Industrial users that discharge industrial waste (excluding sanitary, noncontact cooling and boiler blowdown wastewater) equal to or greater than five percent of the average dry weather flow or organic capacity of the city treatment plant into which they discharge.
- (4) Industrial users that discharge BOD or SS greater than those levels established for the imposition of the industrial user surcharge under article III of this chapter.
- (5) Industrial users that contribute or have the potential to contribute industrial waste having significant concentrations of pollutants that would interfere with or pass through the sewer system, or contaminate the city's sewage sludge.

(b) Any industrial user discharging or proposing to discharge industrial waste into a city sewer in any quantity upon request by the utility official shall provide:

- (1) Information which shall include, but not be limited to, a description of activities, facilities, plant processes, and types of products or services of the industrial user. The information shall include a list of chemicals used but not normally discharged into the sewer system as well as a

list of process industrial wastes which are, or could be, discharged into the sewer system.

- (2) A site drawing showing location and size of on-site sewers, sampling points, pretreatment facilities, city sewers, and any other pertinent details relating to its discharge of waste.
- (3) A discharge report which must include, but not be limited to, nature of process, volume, rate of flow, and any other information that is relevant to the production of waste, including substances and their concentrations in the wastewater discharge.

- (4) A tour of facilities for department inspectors.
 - (5) A permit application pursuant to this article and consistent with applicable requirements established under 40 CFR 403.
- (Code 1968, § 49-146; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, § 2, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-188. Permit issuance, renewal.

- (a) The fee for permits shall be seventy-five dollars (\$75.00) and shall be nonrefundable. An industrial waste permit shall be valid for a term of two (2) years from its date of issuance.

An applicant seeking an industrial waste permit shall submit as part of the application the results of a laboratory analysis of the industrial waste produced by the applicant's facility. Sample collection and analysis for such report shall conform to 40 CFR part 136. Such analysis shall include tests for concentrations of pollutants reasonably expected to be present in the wastewater discharge of the applicant. The applicant shall not be issued an industrial waste permit if the laboratory report shows violations of the provisions of this article.

If the applicant is subject to pretreatment standards, it shall submit to the department baseline reports and such other information as may be required by applicable pretreatment regulations or by the department to determine compliance with pretreatment standards and requirements. The applicant shall not be issued an industrial waste permit if its discharge fails to meet applicable pretreatment standards and requirements.

- (b) Upon the receipt of an application for a permit, the utility official shall determine if a permit is required. If a permit is required, the permit shall be granted or denied in accordance with the requirements provided elsewhere in this article. If the permit is denied, the utility official shall notify the applicant by certified mail of the denial and the reasons therefor. Upon receipt of such notification of denial, the applicant may revise its application or modify its pretreatment system to cure the reasons for denial stated in the notice if the applicant desires to obtain a permit.

- (c) A verified report, to be made upon a form provided by the department, shall be filed annually by each permittee. The report shall state that the permittee has not made any change in its operations that have, or will have within the term of the permit, increased the strength, volume or any other characteristic of the permittee's discharge into the city sanitary sewer system.

- (d) All significant industrial users shall file verified semi-annual reports using forms provided by the department. Semi-annual reports shall be filed during June and December of each year.

- (e) A permittee who changes or proposes to change its industrial process in such a manner as to cause any change in the quantity or quality of its discharge of industrial waste into the sewer system shall make an application for a new permit to cover such change in quantity or quality of discharge.

(Code 1968, § 49-147; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 8, 3-15-77; Ord. No. 83-1139, § 3, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-189. Permit conditions.

- (a) All permits shall be expressly subject to all provisions of this article and all other applicable laws, ordinances or regulations. Permit provisions may include, but are not limited to:

- (1) Unit charge or schedule of user charges and fees for the wastewater discharged to the sanitary sewer.
- (2) The average and maximum strength, characteristics or constituents of the user's wastewater discharge.
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization.
- (4) Regulations for installation of inspection and sampling facilities, including requirements for department access to such facilities.
- (5) Regulations relating to pretreatment standards and requirements.
- (6) Regulations for monitoring programs which may include sampling locations, frequency

and method of sampling, number, types and standards of tests, and reporting schedule.

- (7) Requirements for the submission of technical reports or discharge reports.
- (8) Requirements for the maintenance of plant records relating to wastewater discharge and affording department access thereto.
- (9) Advance notice to the department prior to release into the sewer system of batch discharges.
- (10) Slug discharge plans if required by control authority to control slug discharges as defined in 40 CFR 403.8(f)(2)(v).
- (11) Operation and maintenance certification as defined in 40 CFR 403.12(b)(6).
- (12) Data accuracy certification as defined in 40 CFR 403.6(a)(II)(ii).
- (13) Authorized signatory requirements as defined in 40 CFR 403.12(1).
- (14) Record keeping requirements as defined in 40 CFR 403.12(o).
- (15) Compliance schedule if required pursuant to 40 CFR 403.8(F)(1)(iv).
- (16) Other conditions deemed reasonably necessary by the department to ensure compliance with this article.

(b) The department may modify the conditions of any permit from time to time, as necessary to prevent interference or a pass through of the sewer system, contamination of sewage sludge or violation by the city of laws or regulations enacted by the state or federal government.

(c) As a condition of its permit, a permittee in violation of any condition of its permit shall notify the department within twenty-four (24) hours of the violation and shall submit to the utility official within fifteen (15) days of such violation a report outlining the steps which have been taken to ensure its discharge is compliant with this article.

(d) As a condition of its permit, each permittee must agree to indemnify and hold harmless the city from any liability, loss of business, property

damage to city facilities, extra costs for wastewater treatment, and civil, criminal, or administrative fines due to or caused by a discharge of wastewater in violation of this article. The city attorney shall prescribe the form of the indemnity agreement to be included in the permit application.

(Code 1968, § 49-148; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 9, 3-15-77; Ord. No. 83-1139, § 4, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-190. Permit suspension or revocation; correction of violations.

(a) The utility official is authorized to suspend or revoke any permit issued and terminate service at any time that the permittee:

- (1) Violates any of the provisions of this article or any city ordinance pertaining to sewage disposal into the city sewers; or
- (2) Violates a requirement of its permit.

(b) If the department discovers a violation of a permit condition, the department will give written notice of such violation to the permittee, and the permittee shall within fifteen (15) days after receipt of such notice furnish to the utility official notice in writing of action taken to correct such violation.

(Code 1968, § 49-149; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-191. Special agreements.

No provision contained in this article shall be deemed to prevent any contract authorized by city council between the city and any industrial user whereby an industrial waste of unusual strength or characteristic may be accepted by the city for treatment, but which will not violate or cause the city to violate federal or state discharge standards, and which will not be harmful to the wastewater treatment plant, the treatment process or the sewage lines. Waiver of national pretreatment standards may not be granted unless such waiver is in compliance with the mechanisms established under the general pretreatment regulations (40 CFR part 403).

(Code 1968, § 49-150; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-192. Quantity determination.

Except as provided in article III of this chapter, the quantity of waste delivered to the city sewers by the industrial user will be construed as being the same as the water delivered to the industrial user by the city water system.

(Code 1968, § 49-151; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 10, 3-15-77; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-193. Quality determination.

(a) Determination of the concentration or strength of the waste discharged shall be the obligation of the city, except for sampling required in connection with:

- (1) A permit application;
- (2) Demonstration of compliance after violation of any discharge standard; or
- (3) Permit requirements which specify sampling frequency;

Tests made on representative samples collected by the city shall be made at such intervals as the utility official may designate.

(b) Samples may be taken and tests made by the utility official without prior notice to the permittee, and the results of such tests shall be used to calculate the applicable user charge established in article III of this chapter. Provided, however, a permittee may request in writing permission to conduct self-monitoring through an independent laboratory for determining the user charge. The utility official shall grant such a request and accept the results of the permittee's self-monitoring if the permittee provides documentation in the format required by the utility official showing that the permittee used proper chain of custody and that sampling and analysis were conducted in accordance with subsection (c), below. All costs of such sampling and analyses for self-monitoring shall be borne by the permittee. Approval of sampling and analysis performed by an independent laboratory does not prevent representatives of the department from taking additional samples without prior notice to the permittee. Submission of any self-monitoring analyses that are not representative of the process discharge shall be

grounds for permit revocation or termination of water and wastewater services.

(c) Sampling and analysis shall be conducted in accordance with 40 CFR part 136.

(d) The utility official may make periodic tests of waste being discharged into the city sewer from the premises of an industrial user under the provisions hereof.

(Code 1968, § 49-152; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, §§ 5, 6, 7-26-83; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-194. Standard of quality.

(a) Unless otherwise required or approved, the delivery of all industrial wastes from the industrial user to the sanitary sewer shall be at a reasonably uniform rate, as produced, without storage by the industrial user, except that storage which is necessary in the pretreatment plant of the industrial user.

(b) It shall be unlawful to discharge or cause to be discharged any subsurface drainage, storm or ground water, downspout or roof runoff, yard sprinklers, drains, fountains or ponds into any sanitary sewer system. Water from swimming pools, boiler drains, blow-off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flow into the sewer system is at a rate not to exceed the design capacity of the sewer system, provided that the waste does not contain materials or substances that would violate other provisions of this article.

(c) It shall be unlawful to discharge or cause to be discharged into the sewer system any of the following described substances, materials, waters, or wastes:

- (1) Any liquid or vapor having a temperature higher than forty-five (45) degrees Celsius (one hundred thirteen (113) degrees Fahrenheit) at the place of discharge into the sewer system or which causes the temperature of the influent reaching a city treatment plant to be forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit) or more.

- (2) Any water or waste which contains wax, grease, oil, plastics, or other substances that will solidify or become discernibly viscous at temperatures between sixty (60) to ninety (90) degrees Fahrenheit.
- (3) Flammable or explosive liquids, solids or gas, such as gasoline, kerosene, benzene, naphtha, etc.
- (4) Solid or viscous substances which may interfere with or obstruct the POTW, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurries, lime residues, slops, chemical residues, paint residues, fiberglass, or bulk solids.
- (5) Wastes from garbage grinders, except waste generated in the preparation of foods that are generally consumed on the premises, and not unless it has been properly comminuted or shredded to reduce all food scraps and like particles to three-sixteenths inch or less in greatest dimensions. Garbage grinders shall not be used for grinding plastics, paper products, garden refuse, hospital or veterinarian refuse, or similar refuse for disposal into a city sewer.
- (6) Any noxious or malodorous substance which can form a gas; which either singly or by interaction with other wastes is capable of causing objectionable odors or hazard to life and property; which forms solids in concentrations exceeding limits established herein; which creates any other condition deleterious to structures or treatment processes; or which requires unusual facilities, attention or expense to handle.
- (7) Wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius.
- (8) Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference with or passes through the sanitary sewer system.
- (9) Pollutants producing toxic vapors, gases, or fumes within the sanitary sewer system that may cause acute worker health and safety problems.
- (10) Any trucked or hauled waste, except at discharge points designated by the utility official. Only domestic septic tank waste generated within the city will be allowed at these designated points. Provided, however, the city may move waste it collects within its sanitary sewer system to designated points.
 - (d) It shall be unlawful for any industrial user to discharge into the publicly owned treatment system:
 - (1) Free or emulsified oil and grease, if such materials:
 - a. Exceed on analysis an average of four hundred (400) milligrams per liter (mg/l) of free or emulsified oil and grease;
 - b. Form a discernible floating layer on the surface of the discharge waters;
 - c. Overload the industrial user's skimming and grease handling equipment;
 - d. Are not amenable to biological treatment and will therefore pass through to the receiving waters without being affected by normal sewage treatment processes;
 - e. Have adverse effects on the treatment process due to the excessive quantities; or
 - f. Deposit oil or grease in the sewer lines in such a manner as to obstruct the sewer.
 - (2) Acids or alkalies which attack or corrode sewers or sewage disposal structures or have a pH value lower than 5.0 or higher than 11.0, or which, due to contents, may be reduced or changed with age or by sewage, to produce acid or alkaline reactions.
 - (3) Any salt of the following heavy metals in concentrations greater than the amounts specified below. The permit shall specify pollutant limitations based on a method for allocating pollutant loadings approved by

EPA and incorporated into the city's approved pretreatment program.

<i>Metal</i>	<i>Grab Limit, mg/L</i>	<i>Composite Limit, mg/L</i>
Arsenic	3.0	2.0
Cadmium	0.4	0.2
Chromium	3.0	1.0
Cooper	3.0	2.0
Lead	1.5	1.0
Mercury	0.02	0.01
Nickel	3.0	2.0
Selenium	5.0	3.0
Silver	2.0	1.0
Zinc	6.0	3.0

- (4) Cyanides (CN) or cyanogen compounds capable of liberating hydrocyanic gas upon acidification in excess of two milligrams per liter (mg/l) as CN based upon a grab or composite sample.
- (5) Radioactive materials exceeding the existing standards of the state.
- (6) Substances in such concentrations as to produce odor or taste in the effluent as to affect the taste and odor of the receiving waters.
- (7) Substances which exert or cause:
 - a. Unusual BOD or an immediate oxygen demand;
 - b. Unusual concentrations of solids or composition, as an example, in total suspended solids of an inert nature (such as Fuller's earth) or in total dissolved solids (such as sodium chloride or sodium sulfate); or
 - c. Unusual flow and concentration.
- (8) Any substance which is not amenable to treatment or reduction by the wastewater treatment process employed, or is amenable to treatment only to such degree that the sanitary sewer system cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

- (9) Substances which exert or cause excessive discoloration, such as dye wastes and tanning solutions, which would cause an interference in or pass through the sewer system.

- (10) Sulfides in concentrations greater than 5.0 milligrams per liter (mg/l).

- (11) Any discharge which fails to meet applicable pretreatment standards or requirements.

(Code 1968, § 49-153; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, §§ 1-15, 3-15-77; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-195. Accidental discharges.

(a) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article.

(b) In order to facilitate countermeasures to be taken by the city to minimize damage to the sanitary sewer system degradation of the receiving waters, industrial users shall notify the department immediately after the occurrence of any accidental discharge of wastes in violation of this article. This notification shall be followed within 15 days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures taken to prevent future occurrence.

(c) In order to keep employees of permittees informed of the department's requirements, permittees shall make available to their employees copies of this article together with such other wastewater information and notices which may be furnished by the city from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents and employees the number to call in case of an accidental discharge in excess of the limits authorized.

(d) If the industrial user can establish that an event that would otherwise be a violation of this article or its industrial waste permit was caused solely by an act of God, war, strike, riot, terrorism,

or other catastrophe, then the event is not a violation of this article or the industrial waste permit.

(Code 1968, § 49-154; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 92-1309, § 2, 9-30-92; Ord. No. 03-945, § 2, 10-15-03)

Sec. 47-196. Change of ownership or location of discharge.

Industrial waste permits may neither be assigned nor be transferred. Whenever a person other than the permittee becomes the industrial user at the site of a permitted establishment, or whenever there is a change in discharge location, the prior permit is void and an application for a new permit shall be made.

(Code 1968, § 49-155; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, § 8, 7-26-83; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-197. Pretreatment.

(a) Pretreatment shall be required in the following instances:

- (1) The utility official determines upon the initial application for a permit that the proposed industrial waste must be pretreated by the permit fee to comply with the requirements of this article.
- (2) The utility official determines that pretreatment, or an additional level of pretreatment, is required for the city to improve the discharge from the sewer system to comply with a city discharge permit, court order, or order from a state or federal agency.
- (3) The utility official determines that an industrial user is discharging wastewater that does not comply with the requirements of this article.

Pretreatment facilities shall be provided, operated, and maintained at the permittee's expense.

(b) Any sludge or other material removed from the industrial waste by the pretreatment facility shall be disposed of in accordance with applicable federal, state and local laws, and records or manifests for such disposal shall be made available for inspection upon request by the department.

(c) Except where expressly authorized by applicable pretreatment standards, no industrial user shall increase the use of the process water or in any other way attempt to dilute its industrial waste discharge as a partial or complete substitute for adequate treatment to achieve compliance with the discharge standards established in accordance with this article.

(d) Detailed plans showing any pretreatment facilities shall be submitted to the utility official for approval before construction of the facilities. The review and approval of plans will in no way relieve any permittee from the responsibility of modifying and operating the facilities to produce an effluent complying with this article and the permit. Any subsequent, significant changes in the approved facilities or method of operation shall be reported to the utility official and must be reviewed and approved by the utility official as complying with the provisions herein established.

(e) After the construction plans for such pretreatment plants have been approved and an industrial waste permit issued, a building permit for the construction may be issued.

(f) The city's industrial waste pretreatment program has been approved by the EPA. Thereby, the city as POTW/control authority accedes to all powers, duties and responsibilities as promulgated by the EPA for a POTW/control authority. The utility official shall be authorized to act for the city as control authority or POTW. As POTW/control authority, the city shall have the legal authority, pursuant to this subsection, to enforce any and all pretreatment standards as well as pretreatment requirements specified by regulations promulgated by the EPA, including but not limited to the powers enumerated in 40 CFR 403.8(f)(1), as well as any amendments thereto, and same are hereby incorporated herein by this reference.

Any industrial user who is subject to pretreatment standards shall file with the utility official such reports as may be required by pretreatment standards or requirements promulgated by the EPA.

In case of any conflict between a pretreatment standard or requirement promulgated by the EPA

and any standard or requirement imposed elsewhere by this article, the more stringent shall apply.

(Code 1968, § 49-156; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, § 9, 7-26-83; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-198. Inspection and testing of discharges.

(a) The utility official and the health officer may enter upon the property of any industrial user discharging or proposing to discharge wastewater into the sewer system, for the purpose of inspecting any waste or storm water discharge, or inspecting and/or copying records required by the city, the state or the EPA. City inspectors shall observe the establishment's rules and regulations concerning safety, internal security and fire protection; and if the establishment has management in residence, the city inspectors shall notify management or the person in charge of their presence and shall exhibit proper credentials. If refused entry onto the premises, the city inspectors shall procure a search warrant to inspect the industrial user's waste discharge or records, or the department may initiate termination of water or wastewater service pursuant to this article.

(b) Industrial users shall notify in writing the department, the Environmental Protection Agency regional waste management director, and the state hazardous waste authorities of any discharge into the POTW of a substance that, if otherwise disposed of, would be defined as hazardous waste pursuant to 40 CFR part 261. The notification shall include the EPA hazardous waste number and the type of discharge (continuous, batch, etc.). Industrial users shall comply with the reporting requirements under 40 CFR 403.12.

(c) All industrial users shall be required to install sampling facilities at their own expense to allow city inspection, observation and sampling of the industrial users' discharge.

(Code 1968, § 49-157; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, § 10, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92; Ord. No. 01-800, § 1, 8-29-01)

Sec. 47-199. Trade secrets.

All information and data relating to an industrial user obtained from reports, questionnaires,

permit applications, permits, monitoring programs and inspections shall be available to the public as required by 40 CFR 2.302.

(Code 1968, § 49-158; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 83-1139, § 11, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-200. Bypass.

(a) *Definitions.* As used in this section, the following words shall have the meanings described below:

Bypass means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass not violating applicable pretreatment standards or requirements.* An industrial user may not allow a bypass to occur. It is an affirmative defense to prosecution that the bypass does not cause a violation of pretreatment standards or requirements, but only if the bypass is required for essential maintenance to assure efficient operation. Any other bypass is subject to the provisions of subsections (c) and (d) below.

(c) *Notice.*

- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior written notice to the department, if possible at least ten days before the date of the bypass.
- (2) An industrial user shall submit oral notice to the department of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of the time the industrial user becomes aware of the bypass. The industrial user shall also provide the department a written submission concerning the bypass within five days of the time the industrial user becomes aware of the bypass. The

written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The department may waive the written submission on a case-by-case basis if the oral report has been received within 24 hours. The oral or written report submitted by the industrial user is inadmissible in a criminal prosecution against the authors of the report who are natural persons.

(d) *Prohibition of bypass.*

- (1) Bypass is prohibited, and the department may take enforcement action against an industrial user for a bypass, unless:

- a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
- c. The industrial user submitted notices as required under subsection (c).

- (2) The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three conditions listed in item (d)(1).

(Ord. No. 03-945, § 1, 10-15-03)

Secs. 47-201—47-204. Reserved.

Sec. 47-205. Enforcement.

(a) Any or all of the following three remedies may be employed by the city to abate and prevent further violations of the provisions of this article.

- (1) The department may discontinue city water service.
- (2) The department may disconnect and seal the sanitary sewer connection.
- (3) The city attorney may, and is hereby authorized to, proceed in a court of competent jurisdiction to secure appropriate judicial relief from the violation of the provision of this article by such industrial user.

(b) Representatives of the city health and human services department and the public works and engineering department are authorized to issue citations charging the violation of any of the provisions of this article.

(Code 1968, § 49-164; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 77-499, § 19, 3-15-77; Ord. No. 83-1139, § 12, 7-26-83; Ord. No. 90-635, § 153, 5-23-90; Ord. No. 92-1309, § 2, 9-30-92; Ord. No. 93-514, § 124, 5-5-93)

Sec. 47-206. Penalty.

(a) It shall be unlawful for:

- (1) Any industrial user required by this article to obtain an industrial waste permit to be connected to the sewer system, unless said industrial user has obtained a valid industrial waste permit for that connection.
- (2) Any industrial user to violate any provision of this article that applies to industrial users.
- (3) Any permittee to violate any condition of its industrial waste permit.

(b) Violations of this article shall be misdemeanors punishable by fines of not more than \$2,000.00 for each violation. Each day of violation shall constitute a separate offense.

(Code 1968, § 49-165; Ord. No. 74-222, § 1, 2-6-74; Ord. No. 92-1309, § 2, 9-30-92)

Charter reference—Penalty for ordinance, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 47-207. Publication of certain violations.

At least once a year the utility official shall publish in the newspaper with the largest daily circulation in the city a list of industrial users, which during the previous 12 months have been significantly noncompliant as defined in CFR 403.8.

(Code 1968, § 49-166; Ord. No. 83-1139, § 13, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Sec. 47-208. Appeals, denial of permit/termination of service.

(a) Except as provided herein for discharges posing immediate danger, the utility official shall give ten days' prior notice to any person whose utilities are to be terminated pursuant to the provisions of this article. Any such notice shall specify the reasons for the proposed termination and inform the affected person of the appeal procedure provided herein. If, within said ten-day period, the utility official receives notice that such person requests a hearing, the effective date of termination shall be automatically delayed at least until the date set by the utility official for a hearing. The utility official shall select a hearing date, giving the person appealing the decision at least three days notice thereof.

(b) Any person whose application for a permit is denied, whose permit is suspended or revoked pursuant to this article, or whose service is to be terminated shall be given notice thereof. Such notice shall specify the reasons for the decision and inform the affected person of appeal procedure provided herein. If any such affected person desires a hearing, he shall file a notice of appeal with the utility official no later than ten days after his receipt of the utility official's notice of decision.

(c) The director shall establish rules not inconsistent with this section governing hearing procedure.

(d) The director of the department shall appoint a qualified individual to serve as hearings examiner to hear appeals. The hearings examiner shall be authorized to affirm, deny or modify the utility official's initial decision.

(e) The hearings examiner may, in lieu of termination of service, require any or all of the following:

- (1) Administrative penalties not to exceed \$1,000.00 per day;
- (2) Special permit conditions; or
- (3) Mandatory compliance schedules.

(f) If the director determines that a discharge from an industrial user causes:

- (1) An immediate danger to the health of city employees or the public; or
- (2) A likelihood that the city's treatment plant permit parameters (including sludge) will be violated,

then the department may, after prior notice, immediately terminate water/wastewater service and provide a hearing as described herein within three days of initial termination.

(g) To be effective under this section, a notice shall be in writing and either:

- (1) Be delivered in person to the person (or his agent) entitled to receive such notice; or
- (2) Be deposited in the care of the United States postal service, return receipt requested, and addressed to the person (or his agent) entitled to receive notice.

(Code 1968, § 49-167; Ord. No. 83-1139, § 14, 7-26-83; Ord. No. 92-1309, § 2, 9-30-92)

Secs. 47-209—47-220. Reserved.